

representative respectfully requests that the Examiner reconsider and withdraw the restriction requirement.

Group I, claims 1-8, 10-15 and 20-28 and Group II, claim 9, are not separate groups. An application may be properly required to be restricted on one or more patentably distinct inventions only if (a) the inventions are either independent or distinct as claimed **and** (b) there is a **serious** burden on the Examiner (see MPEP §803, emphasis added by Applicant's representative).

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions (MPEP §803, under the heading Restriction-When Proper). The Examiner does not appear to have met the burden of showing a *prima facie* case why there would be a serious burden to search and examine claim 9 along with the other claims (MPEP §803).

Furthermore, Examiners must provide reasons and/or examples to support conclusions (see MPEP §803, under the heading GUIDELINES). The Examiner has not presented objective evidence or appropriate explanation for the conclusory statement that Group I has separate utility from Groups II or III other than that they are "distinct" (see Office Action on page 2, paragraph 5). Since claim 9 was already examined, and considered allowable, no serious burden exists for its examination. Therefore, the Office Action does not

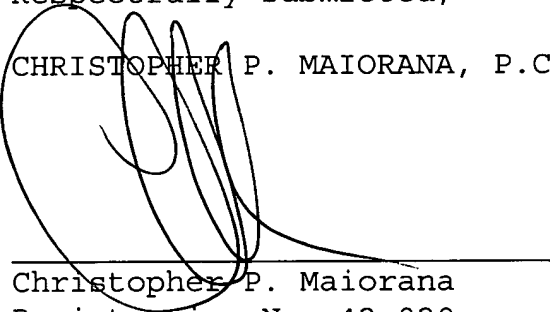
appear to establish a *prima facie* showing that there would be a **serious** burden on the Examiner to search and examine the entire application (MPEP §803). As such, the requirement for restriction does not appear to be proper and should be withdrawn (MPEP §803).

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 12-2252.

Respectfully submitted,

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